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CENTRAL FAX CENTERAttorney's Docket 081468-0306010
Client Reference: P-1533.010-US

OCT 18 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
DEN BOEF et al.

Confirmation No: 4652

Application No.: 10/665,720

Group Art Unit: 2878

Filed: September 22, 2003

Examiner: Le, Que Tan

Title: DEVICE INSPECTION

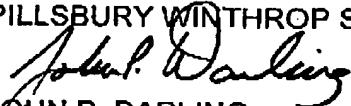
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 C.F.R. §1.8

I hereby certify that the following papers are being transmitted by facsimile to **Examiner Que Tan Le** at the Patent and Trademark Office at **(571) 273-8300** on the date shown below:

- Transmittal
- Reply to Restriction Requirement

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP


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Date: October 18, 2005

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AMENDMENT/RESPONSE TRANSMITTAL

Transmitted herewith is an amendment/response for this application.

FEES

The fee for claims and extension of time (37 C.F.R. 1.16 and 1.17) has been calculated as shown below:

CLAIMS		REMAINING HIGHEST NO.		PRESENT EXTRA	RATE	ADDIT. FEE
AMENDMENT	PAID FOR	AFTER	PREVIOUSLY			
TOTAL	68	-	68	= 0	\$ 50.00	= \$ 0.00
INDEP.	9	-	9	= 0	\$ 200.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP.				+		
CLAIM					\$ 360.00	= \$ 0.00
TOTAL ADDITIONAL CLAIM FEE						\$ 0.00
GRAND TOTAL						\$ 0.00

FEE PAYMENT

Authorization is hereby made to charge the amount of \$0.00 to Deposit Account No. 033975. Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

Date: October 18, 2005

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CLAIMS		REMAINING HIGHEST NO.		PRESENT EXTRA	RATE	ADDIT. FEE
		AFTER AMENDMENT	PREVIOUSLY PAID FOR			
TOTAL	68	-	68	=	0	\$ 50.00 = \$ 0.00
INDEP.	9	-	9	=	0	\$ 200.00 = \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP.						
CLAIM					\$ 360.00	= \$ 0.00
TOTAL ADDITIONAL CLAIM FEE						\$ 0.00
GRAND TOTAL						\$ 0.00

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REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
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Sir:

In reply to the Office Action dated October 5, 2005, Applicants hereby provisionally elect the invention of Group I, claims 1-61 and 64-68. This election is made with traverse.

It is respectfully submitted that the criteria for a proper restriction requirement between patentably distinct inventions as set forth in MPEP §803 has not been satisfied. Accordingly, it is respectfully submitted that the Restriction Requirement must be withdrawn. In particular, it is respectfully submitted that the search and examination of the entire application can be made without a serious burden. For example, as set forth in the Office Action, the invention of Group I is classified in class 250, Subclass 221. The invention of Group II is classified in class 250, subclass 216. The U.S. classification definitions for class 250, subclass 221 state that the subclass is indented under subclass 216 and includes subject matter in which the optical path between light source and the photocell is directly affected by an object which is movable with respect to, as not part of and is not continuously associated with the photocell device. As the definition of the subject matter of Group I is indented under the definition of the subject matter of Group II, it is respectfully submitted that the search and examination for Group I necessarily encompasses the search and examination for subject matter of Group II. Accordingly, it is respectfully submitted that the search and examination of both groups may be conducted without a serious burden.

18-Oct-2005 13:45

From: PILLSBURY WINTHROP

703-905-2500

T-622 P.007/007 F-540

DEN BOEF et al. -- 10/665,720
Attorney Docket: 081468-0306010

Reconsideration and withdrawal of the Restriction Requirement is respectfully
requested.

Respectfully submitted,

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